



## LIBEL CASE CONTINUED

### Burns Now on the Witness Stand.

### BAY CITY WATER WORKS

### It Was Upon Information Given to Older That the Bulletin Published Alleged Libel.

### CONFESSIONS MADE TO BURNS

### It Was Rudolph Spreckles Who Ordered the Investigation—It Was Older Who First Proposed to Mr. Burns That he Take up the Work.

SAN FRANCISCO, March 13.—The second week of the trial of R. A. Crothers and Fremont Older, proprietor and managing editor, respectively, of the Bulletin on a charge of criminally libelling William S. Tevis, president of the Bay Cities Water Company, ended today with William J. Burns relating the confessions made to him by Abraham Ruef.

Burns testified that Tevis explained to Ruef his plan of selling the Bay Cities Water Supply to the city at a profit estimated at three million, one-third of which was to go to Ruef if the deal was put through. It was upon this information given by Burns to Older that the Bulletin published the alleged libelous article. Judge Dooling ruled that the declarations of Ruef to Burns could not be considered by the jury as substantiating the truth of the article but he held that the defendants were entitled to show the source of their information that it might be considered in respect to whether or not malice was intended and whether the article was justifiable and for good motives.

Burns told of his entering upon the work of unearthing the evidence in the bribery graft cases and his reluctance to enter upon the work because he feared the prosecution would stop with the "Little fellows" but subsequently he met Rudolph Spreckles who said the investigation was to "Go down the line even if it reached his own brother." It was Older who first proposed to Burns that he take up the work.

Burns related Ruef's alleged confession, taking up the various bribes in the order that Ruef told about them May 7, 1907.

Practically all the facts have been published but it is the first time the story came from Burns on the witness stand. Summarized, Burns' testimony is as follows:

Ruef received \$10,000 from the fight trust. For having the gas rate fixed he got \$20,000, half of which went to the supervisors, Ruef and Schmitz dividing the other half. Ruef was placed on the gas company's payroll at \$1200 a month.

Ruef was also on the payroll of the Pacific State Telephone Company but when the Rival company offered him \$120,000 to get a franchise he accepted, half the amount going to the supervisors, Ruef and Schmitz dividing the other half.

Ruef confessed that he received \$200,000 from Tiley L. Ford, general counsel for the United Railways in the trolley franchise deal. Of this \$100,000 he divided with Schmitz, the supervisors getting all but \$11,000 of the rest. The \$11,000 has not been accounted for.

Burns testified that Ruef told him that he and Schmitz were to divide half a million to be divided between

the supervisors. Assistant District Attorney Cook stated he would not cross examine Burns until he could confer with District Attorney Langdon and the case went over until Monday.

### DANIEL S. WARD.

NEW YORK, March 13.—Col. Daniel S. Ward, whom the police say has a long prison record, was arrested yesterday and in addition to facing charges of passing forged checks amounting to \$300 is detained on an old charge of forgery in Boston. Ward is one of the men who came to New York from the South in 1864 and attempted to burn the city. The man set fire simultaneously to a number of public buildings but the fires were all extinguished before much damage had been done. Two of the men were hanged, but Ward was allowed to go. Ward, the police say, began a career of crime shortly after the close of the Civil War and since that time fully half his time has been spent in prison. The police records show that he was convicted in New York in 1885, in Cincinnati in 1888; in Kansas City in 1890; in Boston in 1895; in Indianapolis in 1898, and in Chicago in 1907. Ward is 74 years old but is still erect and soldierly in his bearing. A few weeks ago, it is said, he married a 20-year-old half breed Indian girl, who accosted him on the street one night and has been living with her since. The specific charge on which he was arrested yesterday is passing a forged check for \$50 on a local department store.

## LEGISLATIVE POWER

### Senator Bacon of Georgia Spoke on Usurpation of Power.

### EXECUTIVE ENCROACHMENTS

### Read Freely From the Newspaper Reports to Show That Legislation is Being Mapped Out at the White House in Conferences.

WASHINGTON, March 13.—Senator Bacon, of Georgia, in the Senate today spoke of the executive encroachments on the legislative power of the government and read freely from the newspaper reports to show that legislation is being mapped out at the White House in conferences in which Congressmen are not present. The bill providing for the shipment of material intended for the Panama Canal in America ships was passed by the Senate. Senator Simmons, of North Carolina, spoke in favor of the Ocean Mail shipping bill.

### WATER FOR SING SING.

NEW YORK, March 13.—Michael Clarence Padden, water register, made the direct charge yesterday that the Sing Sing Penitentiary has been stealing the city's water through an unmetered eight-inch pipe to the extent of about \$10,000 worth a year.

"So far as anyone in this office knows," said Col. Padden tonight, "that eight-inch unmetered pipe has been delivering water to the prison for the last 20 years."

"The records show that there has been a falling off in receipts from the state for the prison since 1904, it seemed strange that the prison should pay less for water now than it did years ago when it had fewer prisoners and we investigated."

### BAD FIRE IN BIG TIMBER.

BUTTE, Mont., March 13.—The town of Big Timber, about 150 miles east of this city on the Northern Pacific was damaged by fire today to the extent of \$400,000. Three hundred families are homeless. The fire raged for seven hours in a terrible gale. The fire started in the stockyards of the Northern Pacific.

## POST OFFICE BILL PASSED

### Biggest Appropriation Ever Known.

### FIGHT ON PAY INCREASE

### The Bill Calls for \$222,190,392 Which is \$1,450,000 More Than was Reported.

### LETTER CARRIERS VICTORIOUS

### Chairman Overstreet Waged a Vigorous Fight on the Proposition to Increase the Pay of the Letter Carrier But it Was Voted Into Bill.

WASHINGTON, March 13.—Carrying the largest appropriation in all its history \$222,190,392 the postoffice appropriation bill today passed the house. This is \$1,425,000 more than was reported by the committee. Chairman Overstreet waged a vigorous fight on the proposition to increase the pay of the letter carriers which was voted into the bill last Wednesday but that section was confirmed by 136 to 126.

The appropriation for rural delivery was increased \$200,000 making a total of \$35,573,000.

A lengthy discussion followed the offering by Griggs, of Georgia, of an amendment providing for the rural parcels post. The amendment was ruled out on a point of order by Overstreet. A number of other amendments bearing upon the parcels post and rural delivery were ruled out of order.

### CUPID OVERWORKED.

NEW YORK, March 13.—Panama is one place where leap year is not needed, Miss Helen Varick Boswell, who organized the Women's Clubs on the Isthmus, at the instances of the government, told the members of the Portia Club yesterday.

"Cupid is tremendously overworked down there," said Miss Boswell. "It is impossible to keep a woman single. At one of the hospitals they told me they had lost 17 nurses by matrimony from April to June, and sent word to the states that they positively would not take young nurses and strictly plain ones must be sent. The nurses become engaged to the men returning to Panama on the way down on the steamers."

"Everything is provided for the married quarters, house, furniture, drinking water, and there is nothing to get but food a clothing. A wife is a very comfortable adjunct to a man's life, and the bachelor quarters are being constantly depleted. A man in Panama gets about twice the money that he would here for the same work, and there is no way to spend money. I think that is one reason it has been hard for the women. It is very good place to save."

### SUGAR COMPANY'S SUIT.

NEW YORK, March 13.—That the American Sugar Refining Company has prevented the Pennsylvania Sugar Refining Company, engaging in business since 1903 was alleged today in the United States circuit court in the course of the arguments on the motion to dismiss the suit for \$30,000,000 damages brought under the anti-trust clause of the Sherman law, by the Pennsylvania Co., against the American Company.

### TOUR OF THE WORLD.

### Evans' Command is Notified by Wireless of Design of Government.

SAN DIEGO, March 13.—The news that the "American battle fleet" is to undertake a tour of the world within two months after its arrival at San Francisco on May 5 was flashed by wireless to the 16 battleships of Evans' command at Magdalena Bay late tonight by the government station at Point Loma. The wireless station here was flooded with messages from Washington during the day and included the news itinerary of the world cruise starting from San Francisco, July 6, and including Hawaii, Samoa, Australia and the Philippines as the points to be visited has been approved by the president and his cabinet.

They also concluded cordial messages of congratulation from the president and the navy department.

### TO BE PULLED OFF IN DUBLIN

LONDON, March 13.—The fight between Tommy Burns, the American heavyweight and Jim Roche will take place at Dublin, March 17, unless Burns' injured eye becomes so bad it will be a serious handicap.

### BAHIA BURNING UP.

BAHIA, Brazil, March 13.—A great conflagration of the business section of the city. Firemen are unable to check the flames. The loss is estimated at a million dollars. The fire is still burning.

## CONSPIRACY CASES

### Jury Returns Verdict of Guilty Against Conspirators.

### MOTIONS FOR A NEW TRIAL

### The Men Were Convicted of Defrauding the State in Furnishing the New Capitol Which Cost \$13,000,000 Instead of \$4,000,000, Estimated Cost

### HARRISBURG, Pa., March 13.

The jury in the first of the capitol conspiracy cases returned a verdict of guilty against each of the defendants, John H. Sanderson, contractor; William P. Snyder, former auditor general; W. L. Mathues, former state treasurer, and James M. Shumaker, former superintendent of the public buildings grounds. Motions for a new trial was made in each case. The maximum penalty of each defendant in this case is two years imprisonment and \$1000 fine. The men were convicted of defrauding the state in furnishing the new capitol which cost the state \$13,000,000 instead of \$4,000,000, the figure at which the contract was estimated.

### VESSELS ARE GATHERING.

SAN FRANCISCO, March 13.—The torpedo destroyer Perry arrived yesterday from Magdalena Bay in command of Lieutenant E. B. Larimer, after a smart run up the coast, making at some times 21 knots an hour under easy steam. She is here for repairs and will probably go to Mare Island. The cruisers Charleston, Milwaukee and St. Louis are due tomorrow and the Preble on Sunday.

A village wholly Mexican has sprung up at Magdalena Bay and two Mexican government officials are placed in charge. An English company has secured a lease of the shore fronting on the bay and established an agency there. This company has an exclusive privilege of selling meat to the American warships. When the Perry left Acapulco she was in communication by wireless with the American fleet, then far down the coast.

## MAIL ROBBERS SENTENCED

### Get Five Years at Hard Labor.

### STOLE REGISTERED MAIL

### Judge DeHaven Imposed the Sentence on Geo. W. Reilly Who Pleaded Guilty.

### HIS COMPANIONS TO BE TRIED

### Pleading Guilty to Passing Counterfeit Money Edward W. Brady and Thomas Johnson Were Sentenced to One Year in San Quentin Prison.

SAN FRANCISCO, March 13.—Five years at hard labor was the sentence imposed by Judge de Haven in the United States district court on George W. Reilly, one of the three mail robbers who were arrested for robbing a sack of registered mail at Marysville several weeks ago. Reilly confessed complicity in the robbery. His two companions pleaded not guilty, and they will come up for trial next month. Edward W. Brady, who had pleaded guilty to passing counterfeit money, and who was arrested with Thomas Johnson in Napa several weeks ago, was sentenced to one year at hard labor in San Quentin yesterday by the same judge.

### THEATRICAL WAR.

NEW YORK, March 13.—War between the theatre and opera house managers and the Musical Protective Union is declared to be a probability if the demands which the union are said to have been made upon the managers are insisted upon.

Predictions are even made that pianos will replace orchestras in the theatres and that non-union or foreign musicians will sit in the orchestra pits at the opera houses. A new scale of wages for musicians which the union has, it is said, notified the managers will go into effect with the beginning of next season, is the cause of the anticipated warfare. This scale calls for a substantial raise in rates and is considered by the managers to be prohibitive, and in addition it was reported last night that they had decided on the enforcement of the new scale. At a meeting of the theatre proprietors held yesterday the matter is said to have been carefully considered with the result that a committee was appointed to confer with the musical union and endeavor to bring an amicable settlement, failing which it is declared radical measures will be taken by the managers, even to the extent of dispensing with orchestras in the theatres altogether.

### BELASCO MEDAL.

NEW YORK, March 13.—Thirty-five young men and women who were graduated from the American Academy of Dramatic Arts last night were warned by Wm. H. Crane, delivering the principal address of the evening, not to take themselves too seriously at the outset of their careers.

"Try to get a good company with a good stage manager," said the actor, "and when you are there listen. A good listener advances rapidly." Last night's exercises were held in the Empire Theatre before a large audience. The Belasco medal for general excellence was awarded Miss Hearndon Kearns of Brooklyn.

### VAUDEVILLE ACTS.

### Must Not Make Fun of the Rear Admirals of Industry.

CHICAGO, March 13.—John D. Rockefeller, Andrew Carnegie and other rear admirals of industry will have their epaulets of office respected hereafter in Chicago vaudeville theaters. Mayor Busse has decided that slurring imitations of such men as Rockefeller and Carnegie should be stopped, in order to reduce to a minimum the repeated criticism of the sons of wealth by the anarchist element. Accordingly, a quiet tip has gone out, through the officers of the police department, to the managers of vaudeville houses, that it would be well to stop the class of vaudeville acts suggested.

It also is possible that a letter will issue from the office of the corporation counsel to the representatives of the various theatres calling to their attention the fact that there is much unrest among many of the people of the city and that such sketches give rise to open criticism.

### BILL FAVORABLY REPORTED.

WASHINGTON, March 13.—The Senate committee on the Philippines today ordered favorably reported the house bill providing for the payment of \$403,300 to the Archbishop of Manila as trustee of all the Roman Catholic Church in the Philippines, all claims damage done church property by United States military forces.

## TO EXCHANGE LAND

### State Forestry Association Initiated a Movement.

### IS PROPOSING LEGISLATION

### The State Land Board and the State Forestry Commission Directed to Confer With Government Officials to Secure Enactment of Legislation

PORTLAND, March 13.—The state forestry association tonight initiated the movement for a state forest reserve. The resolutions were adopted proposing legislation by which the state is to be permitted to exchange about 100,000 acres of school lands located within the forest reserves in scattered tracts to the national government for one compact body of the same area. The state land board and the state forestry commission are directed to confer with the proper officials of the government to secure the enactment of legislation to bring about such a transfer.

### CONNING TOWERS.

CHICAGO, March 13.—The aerial conning tower is the latest contribution of the department of smoke inspection to the problem of abating the smoke nuisance in Chicago.

It is an invention of the Chief Inspector, Paul P. Bird, who yesterday reiterated his declaration that the smoking chimney must go and who believes that the new device will greatly hasten its end.

### BANK LOOTED.

SALT LAKE, March 13.—The amount stolen from the reserve box of the Utah National Bank last January was \$106,250 is the official statement issued today. A reward of \$10,000 was posted by the directors of the bank today for the detection of the thief. It seems that there is no doubt but that some one connected with the bank committed the theft.

### BREAKS ANOTHER RECORD.

PHILADELPHIA, March 13.—At the indoor meet tonight F. S. Smithson, of Portland, broke the world's record for the 50-yard three hurdles in 6 2-5 seconds.